

REMARKS

On January 13, 2005, the undersigned counsel for the Applicants participated in a telephone interview with the Examiner and her supervisor, Mr. Frantzy Poinvil. Thereafter, on January 18, 2005, the Examiner telephoned the undersigned counsel for the Applicants, stating that a new reference, United States Patent No. 3,977,533 (Hills et al.) had been located, and the Examiner invited the undersigned counsel to speak with another supervisor, Mr. Vincent Millin regarding the applicability of that reference. Applicants representative did so on January 24, 2005, in a telephone interview with Mr. Millin, wherein Mr. Millin stated the application was being reviewed by another Examiner who was more familiar with conveying systems, and that prosecution would be reopened by sending out a new Office Action, replacing the October 14, 2004 Office Action.

On February 24, 2005, a new Office Action was sent, and the October 14, 2004 Office Action was revoked.

The Examiner subsequently telephoned Applicants' representative and recommended that Applicants' representative discuss the contents of the new Office Action with the Examiner in the conveying systems art who had participated in preparing the new Office Action, Mr. Joseph Valenza.

The undersigned counsel participated in a telephone interview with Mr. Valenza on March 7, 2005, wherein amending the application in the manner set forth above was discussed. The amendments to the independent claims track the

language in the original specification at page 3, lines 13-15, and therefore these changes are supported by the specification as originally filed.

In the February 24, 2005 Office Action, claims 1, 3, 4, 6-10 and 14-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al. in view of Hills et al. Claims 5 and 11-13 were stated to be allowable if rewritten in independent form.

In view of Applicants' belief that the independent claims are allowable over the art of record, claims 5 and 11-13 have been retained in dependent form at this time.

As discussed in the telephone interview with Mr. Valenza, the position of the Applicants with regard to the teachings of the Murata et al. reference is still as set forth in Amendment "D" filed April 12, 2004.

The system disclosed in the Murata et al. reference operates in two modes. As long as weight measurements are determined to be "reasonable," the items being weighed are conveyed at a regulated conveying speed across the weighing pan. Only if the calculated weight of an item is determined to be unreasonable, or likely to be wrong, is a mode switch made to a different mode, wherein the conveyor is brought to a complete stop. For the reasons discussed in Amendment "D", Applicants submit that neither of these operating modes of the Murata et al. system is applicable to the claim language of the present application, since in the first mode regulation of the conveyor speed always takes place, which is contrary to the language of the independent claims of the present application, and in the second

mode the conveyor is brought to a stop, which is also contrary to the claim language of the independent claims, requiring movement of the postal item "without stoppage." Therefore, Applicants respectfully submit the Murata et al. reference is not even applicable as a "starting point" for the basis of a rejection under 35 U.S.C. §103(a) because, if the Examiner considers the claimed subject matter to be obvious, the Examiner first has to justify why a person of ordinary skill in the relevant technology would allegedly start with, and then modify, a reference such as Murata et al. which operates completely oppositely to the claimed subject matter.

Moreover, even if the Murata et al. reference were modified in accordance with the teachings of the Hills et al. reference, the subject matter of the independent claims of the present application still would not result. This is because the Hills et al. reference teaches, under certain conditions, effecting a *controlled* deceleration of the conveying speed, according to a predetermined deceleration curve. First, there is no teaching in either of those references as to why, or even how, a person of ordinary skill would reject the teachings of Murata et al. to bring the conveyor to a stop, and replace that portion of the operation of the Murata et al. system with the controlled deceleration disclosed in the Hills et al. reference. The stoppage that occurs in the Murata et al. reference is for a specific purpose, namely because, due to an unreasonable weight measurement, it is assumed that vibrations induced by the movement of the item being weighed have contributed to an incorrect measurement, and therefore the purpose of stopping the conveyor in the Murata et al. system is to weigh the item without such vibrations being present. This is why the conveyor is brought to a stop in the Murata et al. reference. Merely decelerating the conveyor,

as taught by Hills et al. may or may not reduce the vibrations to a sufficient extent to allow an accurate weight measurement to be made in the Murata et al. system, but in any event there is no teaching in either of the Murata et al. or Hills et al. reference to justify such a conclusion.

Moreover, the controlled deceleration in the Hills et al. reference has nothing whatsoever to do with the items themselves. The deceleration curve that is taught for use in the Hills et al. reference is a curve exhibited by the conveyor belt (or the conveyor system) itself, with no items thereon. This is then used as a "baseline" for the actual deceleration that takes place. This is explained in the Hills et al. reference at column 5, beginning at line 40, and is specifically stated at column 6, lines 64-66.

As discussed in the telephone interview, it is clear that neither the Murata et al. or the Hills et al. reference teaches deactivating regulation of the conveyor so that the item to be weighed moves through the weighing pan dependent on the weight of the item, i.e., with the item simply "coasting" through the weighing pan without any active control or regulation of the conveying speed whatsoever. In the subject matter disclosed and claimed in the present application, whatever type of regulation is normally used to operate the conveyor, it is "turned off" under the conditions described in the claims. No such teaching is disclosed or suggested in either of the references relied upon by the Examiner, nor in any of the other references of record.

The dependent claims and further method steps, or further structure to the independent claims, are therefore patentable over the teachings of the Murata et al. and Hills et al. references for the same reasons discussed above in connection with the independent claims.

In view of the discussion at the interview, and in view of the above discussion, all claims of the application are submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

Steven H. Noll

(Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicants.

CH1\4235772.1